

TABLE SHOWING DISPOSITION OF ALL SECTIONS OF
FORMER TITLE 23—Continued

<i>Title 23 Former Sections</i>	<i>Title 23 New Sections</i>
161	124
162	123
163	111
164	129(b)–(d)
165	Elim.
166	113
167	101(b), 128(a), (b), 304
168	Elim.
169 (less last proviso)	Rep.
169 (last proviso)	Elim.
170	305
171	306
172	Rep.
173	120 note
174	307 note
175	Elim.

CITATION

Section 1 of Pub. L. 85–767, Aug. 27, 1958, 72 Stat. 885, provided in part that this title may be cited as “Title 23, United States Code, §—”.

REPEALS

Section 2 of Pub. L. 85–767, Aug. 27, 1958, 72 Stat. 919, repealed the sections or parts of sections of the Revised Statutes or Statutes at Large covering provisions codified in this title.

CONSTRUCTION

Section 3 of Pub. L. 85–767, Aug. 27, 1958, 72 Stat. 921, provided that:

“(a) If any provision of title 23, as enacted by section 1 of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the title and the application of the provision to other persons or circumstances shall not be affected thereby.

“(b) The provisions of this Act shall be subject to Reorganization Plan Numbered 5 of 1950 (64 Stat. 1263) [set out in the Appendix to Title 5, Government Organization and Employees].”

SAVINGS PROVISION

Section 4 of Pub. L. 85–767, Aug. 27, 1958, 72 Stat. 921, provided that: “Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions under section 2 of this Act.”

RECODIFICATION OF TITLE 23

Pub. L. 104–59, title III, §357(a), Nov. 28, 1995, 109 Stat. 625, provided that: “The Secretary [of Transportation] shall, by March 31, 1997, prepare and submit to Congress a draft legislative proposal of necessary technical and conforming amendments to title 23, United States Code, and related laws.”

Pub. L. 102–240, title I, §1066, Dec. 18, 1991, 105 Stat. 2006, provided that the Secretary of Transportation was to have prepared, by Oct. 1, 1993, a proposed recodification of title 23, United States Code, and related laws for submission to Congress for consideration, prior to repeal by Pub. L. 104–59, title III, §357(b), Nov. 28, 1995, 109 Stat. 625.

TITLE REFERRED TO IN OTHER SECTIONS

This title is referred to in title 16 section 3172; title 26 section 9503; title 40 sections 345c, 818; title 40 App. section 201; title 42 sections 7506, 7509; title 49 sections 5304, 5305, 5306, 5307, 5316, 5334.

CHAPTER 1—FEDERAL-AID HIGHWAYS

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AMENDMENTS

1995—Pub. L. 104–59, title II, §205(d)(2), title III, §§311(c), 320(b), Nov. 28, 1995, 109 Stat. 577, 584, 590, substituted “Payments” for “Payment” and “and other debt instrument financing” for “retirement” in item 122, struck out item 154 “National maximum speed limit”, and added item 161.

1991—Pub. L. 102–240, title I, §§1007(a)(2), 1008(c), 1009(e)(2), 1014(b), 1016(f)(3), 1024(c)(1), 1025(b), 1031(a)(2),

Dec. 18, 1991, 105 Stat. 1930, 1933, 1934, 1942, 1946, 1962, 1965, 1973, substituted “Program efficiencies” for “Authorizations” in item 102, substituted “maintenance program” for “System resurfacing” in item 119, added item 133, substituted “Metropolitan planning” for “Transportation planning in certain urban areas” in item 134, substituted “Statewide planning” for “Traffic operations improvement programs” in item 135, substituted “Congestion mitigation and air quality improvement program” for “Truck lanes” in item 149, and added items 153 and 160.

Pub. L. 102-143, title III, §333(b), (c), Oct. 28, 1991, 105 Stat. 947, added item 159 and repealed Pub. L. 101-516, §333(b), which added former item 159. See 1990 Amendment note below.

1990—Pub. L. 101-516, title III, §333(b), Nov. 5, 1990, 104 Stat. 2186, which added item 159, was repealed by Pub. L. 102-143, title III, §333(c), Oct. 28, 1991, 105 Stat. 947. Section 333(d) of Pub. L. 102-143 provided that the amendments made by section 333 of Pub. L. 101-516 shall be treated as having not been enacted into law.

1987—Pub. L. 100-17, title I, §§113(d)(2), 114(e)(5), 125(b)(1), 126(b), 133(b)(1), Apr. 2, 1987, 101 Stat. 150, 153, 167, 171, substituted “Advance construction” for “Construction by States in advance of apportionment” in item 115, and “Availability of funds” for “Availability of sums apportioned” in item 118, struck out “and width” after “Vehicle weight” in item 127, substituted “Carpool and vanpool projects” for identical words in item 146, “National bridge inspection program” for “Pavement marking demonstration program” in item 151, and “Income from airspace rights-of-way” for “Highways crossing Federal projects” in item 156.

1984—Pub. L. 98-363, §6(b), July 17, 1984, 98 Stat. 437, added item 158.

1983—Pub. L. 97-424, title I, §119(c), Jan. 6, 1983, 96 Stat. 2111, substituted “Nondiscrimination” for “Equal employment opportunity” in item 140.

Pub. L. 97-424, title I, §150(b), Jan. 6, 1983, 96 Stat. 2132, added item 157.

1978—Pub. L. 95-599, §§116(c), 124(b), 168(c), Nov. 6, 1978, 92 Stat. 2699, 2705, 2723, substituted “Interstate System resurfacing” for “Repealed” in item 119, “Highway bridge replacement and rehabilitation program” for “Special bridge replacement program” in item 144, “Hazard elimination program” for “Projects for high-hazard locations” in item 152, and “Repealed” for “Program for the elimination of roadside obstacles” in item 153.

1976—Pub. L. 94-280, title I, §§123(b), 128(b), 132(b), 139, May 5, 1976, 90 Stat. 439-441, 443, substituted item 135 “Traffic operations improvement programs” for “Urban area traffic operations improvement programs”; substituted item 146 “Repealed” for “Special urban high density traffic programs”; added item 156 “Highways crossing Federal projects”; and substituted item 111 “Agreements relating to use of and access to rights-of-way—Interstate System” for “Use of and access to rights-of-way—Interstate System” and substituted items 119 and 133 “Repealed” for “Administration of Federal-aid for highways in Alaska” and “Relocation assistance”, respectively.

1975—Pub. L. 93-643, §§107(b), 114(b), 115(b), Jan. 4, 1975, 88 Stat. 2284, 2286, 2287, substituted item 141 reading “Enforcement of requirements” for prior text reading “Real property acquisition policies”, and added items 154 and 155.

1973—Pub. L. 93-87, title I, §§116(b), 121(b), 123(b), 125(b), 126(b), 129(c), 142(b), 157(b), title II, §§205(b), 209(b), 210(b), Aug. 13, 1973, 87 Stat. 258, 261, 263, 264, 266, 272, 278, 285, 287, 288, substituted “Certification acceptance” for “Secondary road responsibilities” in item 117, “Public transportation” for “Urban highway public transportation” in item 142, and added items 145 to 153.

1970—Pub. L. 91-605, title I, §§111(b), 127(b), 134(b), title II, §204(b), Dec. 31, 1970, 84 Stat. 1720, 1731, 1734, 1742, added items 142, 143, 144, and substituted “Fringe and corridor parking facilities” for “Limitation on authorization of appropriations for certain purposes” in item 137.

1968—Pub. L. 90-495, §§10(b), 12(b), 16(b), 22(b), 25(c), 35(b), Aug. 23, 1968, 82 Stat. 820, 822, 823, 827, 829, 836, added items 135, 139, 140, and 141 and substituted “Prevailing rate of wage” for “Prevailing rate of wage—Interstate System” in item 113 and “Construction by States in advance of apportionment” for “Construction by States in advance of apportionment—Interstate System” in item 115.

1966—Pub. L. 89-574, §§8(c)(2), 15(b), Sept. 13, 1966, 80 Stat. 769, 771, added items 137 and 138.

Pub. L. 89-564, title I, §102(b)(1), Sept. 9, 1966, 80 Stat. 734, struck out item 135 relating to highway safety programs.

1965—Pub. L. 89-285, title I, §102, title II, §202, Oct. 22, 1965, 79 Stat. 1030, 1032, substituted “Control of outdoor advertising” for “Areas adjacent to the Interstate System” in item 131, and added item 136.

Pub. L. 89-139, §4(b), Aug. 28, 1965, 79 Stat. 579, added item 135.

1962—Pub. L. 87-866, §§5(b), 9(b), Oct. 23, 1962, 76 Stat. 1147, 1148, added items 133 and 134.

1960—Pub. L. 86-657, §§4(b), 5(b), July 14, 1960, 74 Stat. 523, included ferries in item 129 and added item 132.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 215, 402, 408, 410 of this title; title 49 sections 5316, 5317.

§ 101. Definitions and declaration of policy

(a) As used in this title, unless the context requires otherwise—

The term “apportionment” in accordance with section 104 of this title includes unexpended apportionments made under prior acts.

The term “construction” means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments, locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration in the Department of Commerce) resurfacing, restoration, and rehabilitation, acquisition of rights-of-way, relocation assistance, elimination of hazards of railway grade crossings, elimination of roadside obstacles, acquisition of replacement housing sites, acquisition and rehabilitation, relocation, and construction of replacement housing, and improvements which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas. The term also includes capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses and also includes costs incurred by the State in performing Federal-aid project related audits which directly benefit the Federal-aid highway program.

The term “county” includes corresponding units of government under any other name in States which do not have county organizations, and likewise in those States in which the county government does not have jurisdiction over highways it may be construed to mean any local government unit vested with jurisdiction over local highways.